

IN RE: PETITION FOR ZONING VARIANCE
W/S Hillside Road, 1,255' N
of Frederick Road
(107 Hillside Road)
1st Election District
1st Councilmanic District
David R. Leasure, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-54-A

AMENDED ORDER

WHEREAS the Petitioners requested a variance to permit a front yard setback of 31.5 feet in lieu of the required 40 feet for a proposed new dwelling; and

WHEREAS the decision rendered by the Deputy Zoning Commissioner granted a variance of 32.5 feet in lieu of the 31.5 feet requested;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of August, 1988 that the Order dated August 11, 1988 be and the same is hereby amended to grant a variance of 31.5 feet for the front yard setback as originally requested.

IT IS FURTHER ORDERED that all other provisions and restrictions of the Order dated August 11, 1988 remain in full force and effect.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. & Mrs. David R. Leasure
4204 Hooper Avenue
Baltimore, Md. 21229

People's Counsel

File

IN RE: PETITION FOR ZONING VARIANCE
W/S Hillside Road, 1,255' N
of Frederick Road
(107 Hillside Road)
1st Election District
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David R. Leasure, et ux
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* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-54-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 32.5 feet in lieu of the required 40 feet and a side yard setback of 12 feet in lieu of the required minimum sum of 40 feet for side yard widths, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protests.

Testimony indicated that the subject property, known as 107 Hillside Road, is zoned D.R. 2 and is an unimproved lot consisting of 0.40 acres, plus or minus. The Petitioners testified that they purchased the subject property in December 1986 and now propose constructing a new dwelling. However, due to the steep grade of the lot, as shown in photographs identified as Petitioner's Exhibits 2A through 2D, the proposed dwelling cannot be constructed without the requested variances, which, if granted, would not result in detriment to the health, safety and general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of August, 1988 that the Petition for Zoning Variance to permit a front yard setback of 32.5 feet in lieu of the required 40 feet and a side yard setback of 12 feet in lieu of the required minimum sum of 40 feet for side yard widths, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

August 11, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. David R. Leasure
4204 Hooper Avenue
Baltimore, Maryland 21229

RE: PETITION FOR ZONING VARIANCE
W/S Hillside Road, 1,255' N of Frederick Road
(107 Hillside Road)
1st Election District; 1st Councilmanic District
Case No. 89-54-A

Dear Mr. & Mrs. Leasure:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
Enclosure
cc: People's Counsel

File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-54-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 102.3.C.1 To allow a front setback of 31.5 ft. and a side setback of 12 ft. in lieu of the required 40 ft. front and minimum 15 ft. & 40 ft. total side.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The steep grade and sloping lot of #119, Flat Book 1, Folio Part 18 makes compliance with front and side set back extremely difficult to build proposed residence.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

DAVID ROSS LEASURE

(Type or Print Name)

Signature

Signature

Signature

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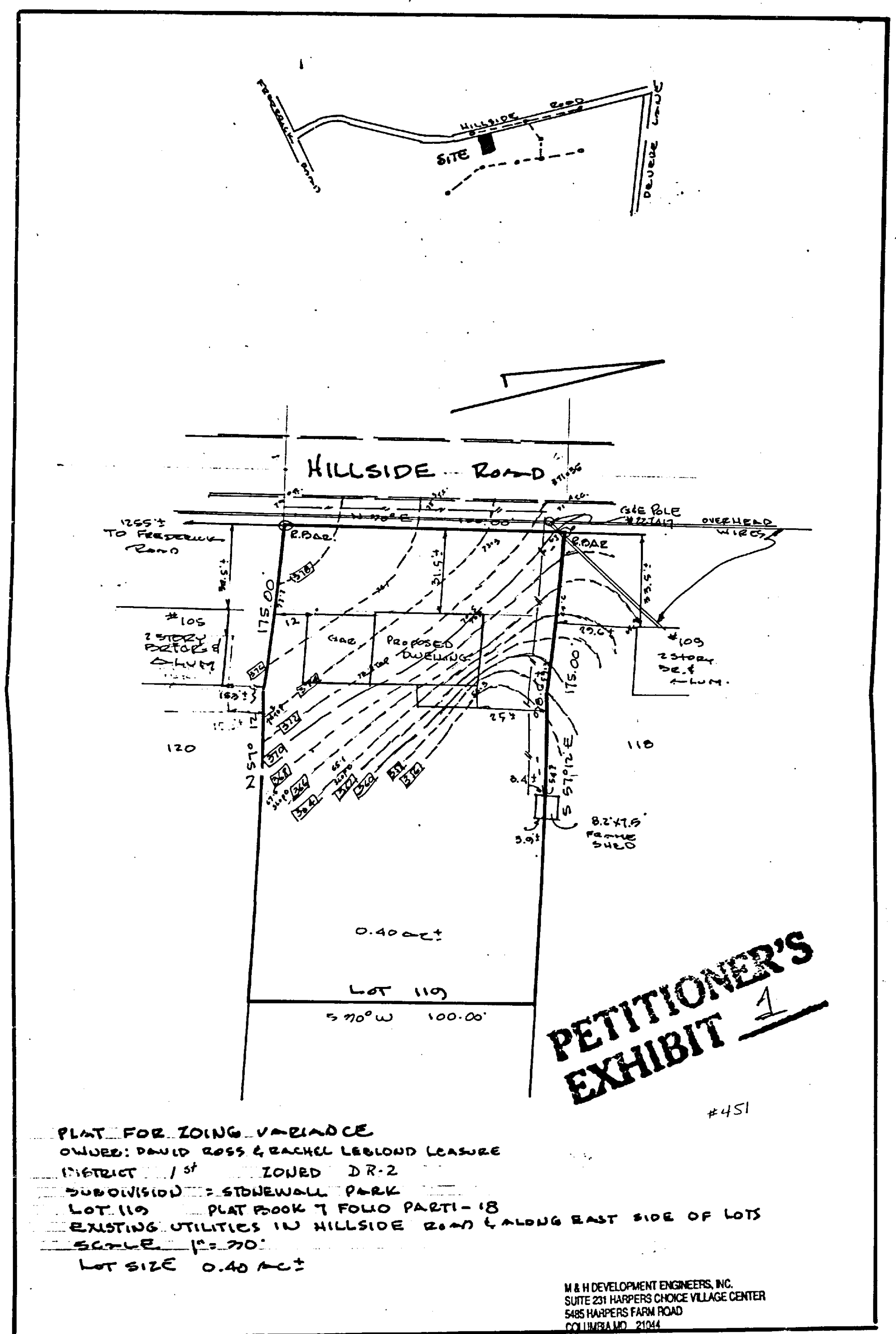
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Office of
PATUXENT
Publishing Company
10750 Little Patuxent Pkwy.
Columbia, MD 21044

July 24 19 88

THIS IS TO CERTIFY, that the annexed advertisement of
NOTICE OF HEARING

was inserted in the following:
☒ Catonsville Times \$34.04 ☐ Booster Weekly
☐ Arbutus Times ☐ Owings Mills Flier
☐ Reporter Weekly ☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 16 day of July 1988 that is to
say, the same was inserted in the issues of

July 14, 1988

PATUXENT PUBLISHING COMPANY
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff
vs.
Defendant

CERTIFICATE OF PUBLICATION OF

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: July 14, 1988

Mr. & Mrs. David Ross Leasure
4224 Hoover Avenue
Baltimore, Maryland 21223

Re: Petition for Zoning Variance
CASE NUMBER: 89-54-A
107 Hillside Road, 1,255' N of Frederick Rd.
(107 Hillside Road)
1st Election District - 1st Councilmember
Petitioner(s): David Ross Leasure, et ux
HEARING SCHEDULED: FRIDAY, AUGUST 5, 1988 at 10:00 a.m.

Dear Mr. & Mrs. Leasure:

Please be advised that \$2.79 is due for advertising and posting of
the above-referenced property. All fees must be paid prior to the hearing.
Do not remove the sign and post set(s) from the property from the time
it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring
it along with the sign(s) and post(s) to the Zoning Office, County Office
Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before
your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 8/5/88 ACCOUNT: 01-615-100 yours,
AMOUNT: \$ 82.79 Haines
RECEIVED: David Ross Leasure, et ux AINES
FOR: Planning & Zoning lessor of
B 0025*****027814 31521
87-54-A
VALIDATION OR SIGNATURE OF CARRIER

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4300

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: David Ross Leasure, et ux
Location: 107 Hillside Rd., 1,255' N of Frederick Rd.
(107 Hillside Road)
Item No.: #451 Zoning Agenda: Meeting of June 28, 1988

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this
Bureau and the comments below marked with an "X" are applicable and required
to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be
located at intervals or _____ feet along an approved road in accor-
dance with Baltimore County Standards as published by the Department
of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the National Fire Pro-
tection Association Standard No. 101 "Life Safety Code," 1976 edition
prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Carl A. Kelly Noted and Approved: J. Robert Haines
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: July 21, 1988

Posted for: Variance

Petitioner: David Ross Leasure, et ux

Location of property: 107 Hillside Rd., 1,255' N of Frederick Rd.
(107 Hillside Rd.)

Location of Sign: In front of subject property at 107 Hillside Rd.

Remarks: _____

Posted by: S. J. Arata Date of return: July 24, 1988

Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., July 14, 1988

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of _____ successive weeks, the first publication appear-
ing on July 14, 1988

THE JEFFERSONIAN,
S. Zeke Olson
Publisher

33.75

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

July 18, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item number
391, 413, 438, 439, 442, 443, 444, 446, 447, 448, 450, 451, 452, 453, 454,
455, 456, and 457.

Very truly yours,
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SDW/RF/cps

89-52-SPH
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
29th day of June, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: David R. Leasure, et ux Received by: James E. Dyer
Petitioner's Attorney Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: July 11, 1988

FROM: P. David Fields, Director, Office of Planning and Zoning

SUBJECT: Zoning Petitions #89-35-A, 89-37-A, 89-38-A, 89-39-A, 89-40-A, 89-42-A, 89-43-A, 89-44-A, 89-47-A, 89-48-A, 89-49-A, 89-50-A, 89-54-A

There are no comprehensive planning factors requiring comment of the subject petitions.

P. David Fields per J. G. Hoswell
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

RECEIVED
JUL 12 1988

ZONING OFFICE

CC: Mr. & Mrs. Leasure
7-12-88

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 26, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

o0o

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. David R. Leasure
4204 Hooper Avenue
Baltimore, Maryland 21229

RE: Item No. 451 - Case No. 89-52-SPH
Petitioner: David R. Leasure, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Leasure:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

PETITIONER(S) EXHIBIT ()

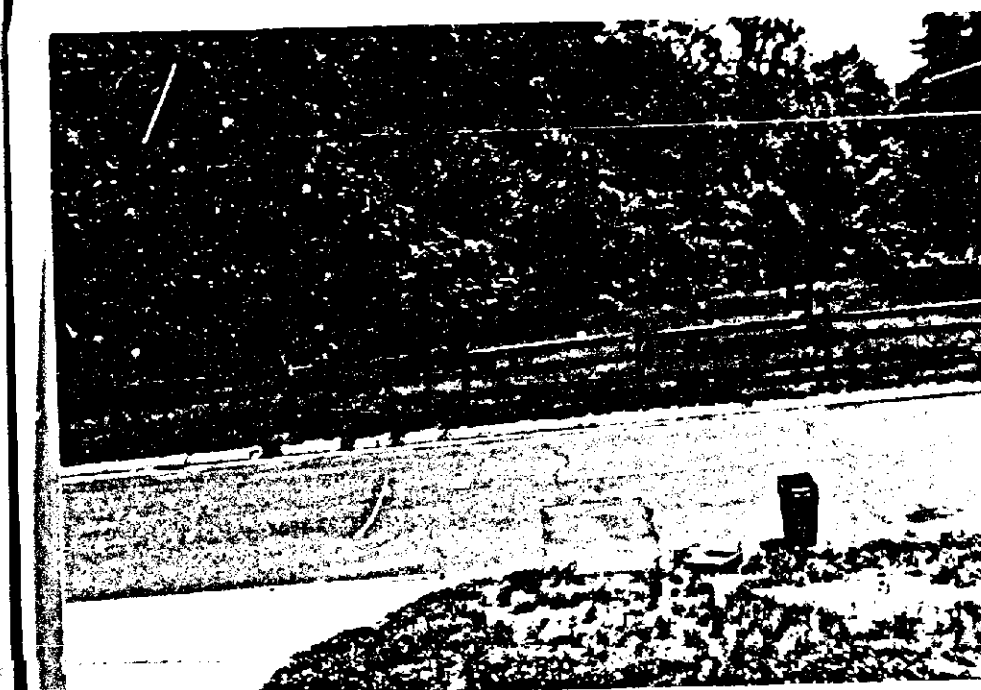


2C



2D

PETITIONER(S) EXHIBIT (2)



2A



2B